

EXHIBIT D

Part 1 of 2

to

Declaration of Andrew Prins



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Transcript of Randall Snyder

Date: December 18, 2018
Case: Hunter, et al. -v- Time Warner Cable Inc.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LEONA HUNTER and ANNE MARIE)
VILLA, on behalf of themselves)
and all others similarly)
situated,)
Plaintiffs,)
vs.) Case No. 1:15-cv-
TIME WARNER CABLE, INC.,) 06445-JPO-JLC
Defendant.)

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VIDEOTAPED DEPOSITION OF RANDALL SNYDER

Taken at the Offices of Depo International
703 South 8th Street
Las Vegas, Nevada

On Tuesday, December 18, 2018
At 9:09 a.m.

Reported by: Jane V. Efaw, CCR #601, RPR

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1 after the duration of a call, and then the system
2 records the call and the data about the call and the
3 call logs. He indicated that that's exactly what
4 these call logs represent. But he didn't -- I have
5 no evidence that it was somehow inaccurate or just
6 suggestive of that occurring.

7 BY MR. PRINS:

8 Q. So, Mr. Snyder, I'm going to ask you again
9 because you didn't really answer my question. Is it
10 your testimony that when you see an attempt status
11 equal to live voice in the call log, that you can
12 definitively determine that a prerecorded voice
13 played on that call?

14 A. Based on the evidence that I have, not that
15 it played but that a call was initiated using a
16 prerecorded voice. But most likely it played. And
17 there are -- we can come up with certain outlying and
18 hypothetical circumstances where it didn't. But for
19 the most part, that's exactly what occurred.

20 Q. So your answer is, no, you can't tell
21 definitively that a prerecorded voice played; is that
22 correct?

23 MR. ARISOHN: Objection. Mischaracterizes
24 the witness's testimony.

25 THE WITNESS: Yeah, exactly. No, I think

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1 you can tell definitively, but nothing is 100
2 percent. So I resist being absolutist about this.
3 However, in my experience, this type of data is
4 extremely reliable and accurate.

5 And in some cases, we can, again, come up
6 with a hypothetical situation where in one call or
7 another something may have occurred. But for the
8 most part, it is my opinion that when attempt status
9 field says live voice, based on the evidence I
10 reviewed, that prerecorded voice message was played
11 when that call was initiated.

12 BY MR. PRINS:

13 Q. But there are circumstances where the
14 attempt status field could -- or would state live
15 voice and the prerecorded voice would not have
16 played; is that correct?

17 A. Yeah, I can come up with all kinds of crazy
18 things. Like somebody dropped their cell phone or
19 something, and it broke just as the call was
20 answered, you know. All kinds of, you know, weird
21 hypotheticals we can come up with. But in my
22 experience, that's a tiny, tiny percentage of what
23 these call logs represent.

24 Q. And is it your testimony that when attempt
25 status is equal to answering machine, that a

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1 prerecorded voice would have played on that call?

2 A. Yes, essentially the same answer as I gave
3 before. We can always come up with some wild
4 scenario that something occurred, but for the vast
5 majority of these calls, that must be accurate, in my
6 experience and based on the evidence that I reviewed.

7 Q. [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 A. [REDACTED]

11 Q. Mr. Snyder, what is your current cellular
12 phone number?

13 A. [REDACTED]

14 Q. And other than the Number [REDACTED], do
15 you have any other cellular phone numbers?

16 A. No.

17 Q. How long have you had the cellular phone
18 Number [REDACTED] -- is it [REDACTED]?

19 A. [REDACTED].

20 Q. [REDACTED]?

21 A. Correct.

22 Q. And I'm sorry. Just to be clear. How long
23 have you used this cellular phone number,
24 [REDACTED]?

25 A. A very long time. Probably more than 12 or

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1 13 years.

2 Q. And who is your cellular carrier?

3 A. [REDACTED]

4 Q. And for the entire time that you have used
5 the [REDACTED] number has your carrier been [REDACTED]
6 [REDACTED]?

7 A. Yes.

8 Q. And other than that [REDACTED] number, do
9 you use any other cell phones?

10 A. I think you already asked me that.

11 Q. I did, but I messed up the number.

12 A. Okay. So the answer is no.

13 Q. No?

14 A. Yeah.

15 Q. And is the [REDACTED] number connected to
16 a family plan at [REDACTED]?

17 A. No.

18 Q. Does anyone other than you ever use your
19 cell phone with the number [REDACTED]?

20 A. That's a broad question. I mean, there have
21 been individual times over many, many years where
22 somebody can say, "Can I borrow your cell phone," and
23 made a call or something. But I'm basically the user
24 of that number and that cell phone.

25 Q. Is there a spouse or a roommate that

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1 whole commercial business is predicated upon
2 collection of mass data. And the idea, anyone that
3 is -- I guess how you would say, is the customer user
4 of a given telephone number, fills out any form that
5 could be accessed by Lexus Nexus, whether you're
6 applying for insurance or credit card or if you give
7 your phone number to the DMV or if you get arrested,
8 or any number of places where your phone number is
9 recorded by some entity, commerce or noncommercial.
10 And Lexus Nexus access to that. They collect that
11 mass data. So when you query on a certain piece of
12 information, they can respond with the data they've
13 collected in an organized format.

14 Q. So again, what role is the National Change
15 of Address database playing in your methodology if
16 Lexus is returning an address associated with what I
17 think you have called the customer or user of the
18 phone?

19 A. Yes. The idea is that if the address and
20 contact information data received, you get dates with
21 all the stuff, too, of when the data was collected
22 and when Lexus Nexus is essentially assuring that
23 this was the correct data on a given date. You can
24 further, if it's far enough back, if need be, you can
25 run that data through the National Change of Address

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1 his methodology is reliable and accurate."

2 Did I read that correctly?

3 A. Yes.

4 Q. And you still agree with that today;
5 correct?

6 A. Yes.

7 Q. You testified earlier that you have not
8 spoken to Mr. Weir in connection with this case;
9 correct?

10 A. Correct.

11 Q. How much time did you spend reviewing
12 Mr. Weir's methodology?

13 A. I don't recall. His report was concise and
14 clear and very straightforward. It wasn't -- it's
15 not an overly complex analysis. So I was able to go
16 through his report a couple times very quickly and
17 understand which call log records he was looking at,
18 how he filtered them, calling out unique telephone
19 numbers, number of calls, and his methodology for
20 obtaining contact information. So it was very
21 straightforward, from my perspective, so it didn't
22 take very long.

23 Q. Would you say you spent more than one hour
24 or less than one hour?

25 A. Probably between one and two hours, just

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1 looking at it, reviewing it and making sure that I
2 thought it was correct and accurate and just reading
3 through it a little more carefully. But again, it
4 was very straightforward, in my opinion.

5 Q. Other than looking through it to make sure
6 it was correct and accurate, did you take any other
7 steps to assess the methodology?

8 A. No. I have a lot of experience in this area
9 with this precise methodology that's been deemed by
10 the courts to be reliable and accurate in other
11 cases. So I just wanted to ensure that -- that he
12 was looking at the right records. And certainly, he
13 could have used other data processors besides Lexus
14 Nexus as well. He chose Lexus Nexus. That's okay.
15 But I just wanted to make sure that it was correct in
16 my mind.

17 Q. And you agree with his choice to use Lexus
18 Nexus?

19 A. Yes. I think he could have easily used the
20 TransUnion service. They're very competitive, these
21 data processing companies. They charge a lot of
22 money. You have access to a lot of data. They're
23 used by all kinds of industries and organizations to
24 get correct data. So I have no issue with his choice
25 of using one over another.

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1 Q. And let's just jump back to page 3 of your
2 report and the documents reviewed and considered. At
3 the bottom of page 3, we talked about this earlier.
4 Documents reviewed and considered. We have the
5 Second Amended Class Action Complaint, the call log
6 data, the deposition transcript of David Zitko, the
7 declaration of Colin Weir and the Telephone Consumer
8 Protection Act and regulations.

9 And I believe you testified earlier that
10 this is, in fact, an accurate list of the documents
11 you considered in connection with this case; is that
12 correct?

13 A. In connection with this report, yes.

14 Q. And this report was submitted under penalty
15 of perjury; correct?

16 A. Yes.

17 Q. And so because this is an exclusive list of
18 documents you considered, is it correct that you did
19 not look at the file that Mr. Weir sent to Lexus
20 Nexus?

21 A. No. I didn't look at the actual individual,
22 analytical steps he took in performing his job.
23 However, I'm opining on the methodology overall.

24 Q. And just so I understand. So you did not
25 review the source code that Mr. Weir used in

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1 connection with running your methodology; is that
2 correct?

3 A. That's correct. I have worked with him in
4 other cases where I did. This was extremely
5 straightforward. So I have seen his scripts before
6 that he uses as input, and I have no reason to
7 believe that what he did was incorrect.

8 Q. What programming tool did he use to execute
9 the methodology?

10 A. He uses several. And this is really his
11 area of expertise, I understand the methodology, but
12 he's an expert in the nuts and bolts details of doing
13 the actual numerical data analysis. But he uses some
14 statistical software. He uses other software that
15 comes up with similarity scores of data, of comparing
16 data. So you can -- like I said before, if a name
17 comes back Bill or William, you can be very sure that
18 it's probably the same person.

19 So I'm not -- I don't use those tools. He
20 does. But I know that he does, and he's opined on
21 those issues before. I think in his report he lists
22 some of the software he uses.

23 Q. My question, sir, is, what software did he
24 use in this case?

25 A. I'd have to look at his report.

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1 Q. Is it fair to say you do not know what
2 software he used in this case?

3 A. Right. I have to reference it. I didn't
4 use the software, he did. So it's not based on my
5 direct knowledge of use of the software.

6 Q. But sitting here right now, you can't tell
7 me what software he used?

8 A. I didn't memorize his report.

9 Q. Did you review the information that he
10 received back from Lexus Nexus?

11 A. No, I am reviewed his results and summary
12 information in his report. So his report is his
13 testimony, that's all I reviewed.

14 Q. What do you mean when you said you reviewed
15 his results?

16 A. In his report he has tables and numbers and
17 information that he's testifying to as an expert in
18 this case.

19 Q. But you did not review the output of his
20 program after he had done -- applied the methodology;
21 is that correct?

22 A. No, I did not.

23 Q. And you said you've seen his source code in
24 other matters; is that correct?

25 A. Yeah, the scripts he writes in order to do

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1 the database analysis and the information he inputs
2 for these commercial databases. I did not review
3 that specifically in this case.

4 Q. And do you know whether he has modified any
5 of -- do you know whether he even used those scripts
6 in connection with this case?

7 A. No, I don't know.

8 Q. Do you have any personal experience using
9 Lexus Nexus?

10 A. No.

11 Q. Do you know what Lexus Nexus product
12 Mr. Weir used?

13 A. They have certain specific services for
14 contact information, as does TransUnion and some of
15 the others. I only know, based on my experience and
16 knowledge, of the data it can produce and the
17 reliability over many years of experience.

18 Q. So is that to say you do not know what
19 specific Lexus Nexus products he used?

20 A. No, but it may be listed in his declaration.

21 Q. But you don't know?

22 A. Again, I didn't memorize his declaration.

23 Q. And if you did know it -- strike that.

24 You have not used any Lexus Nexus product in
25 connection with phone information; is that correct?

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1 A. Right. That's why -- that's why Colin Weir
2 is involved in this case. That's his task.

3 Q. Do you know why Mr. Weir chose Lexus Nexus
4 over TransUnion?

5 A. I don't.

6 Q. Do you know what data sources Lexus Nexus
7 pulls from to generate its results?

8 A. Generally, but there must be hundreds and
9 thousands more than I can name off the top of my
10 head. They certainly have case studies that they
11 publish and information that they publish as to where
12 they obtain the raw source data from public and
13 private sources.

14 Some of it is anonymized; some of it is
15 associated with individuals that they can obtain,
16 such as credit reports and loan applications, those
17 types of things. But it's a very large list that I
18 can't tell you, off the top of my head, all the
19 items.

20 Q. But you haven't reviewed any Lexus Nexus
21 case studies in connection with your report here;
22 correct?

23 A. No. And they serve to show the reliability
24 and the usage of their product, and they've been
25 successful for many years. It's commercially used by

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1 be associated with an official document.

2 Q. What specific credit reporting agencies does
3 Lexus purchase data from?

4 A. I can't say. I know for sure, but I would
5 be surprised if it wasn't from the main three ones.
6 It's Experian, TransUnion -- there's another one, I
7 think. I just can't recall off the top of my head.

8 Q. But you have no knowledge and fact of which,
9 if any, credit reporting bureaus Lexus purchases its
10 data from; correct?

11 A. I -- again, I would be surprised if they
12 didn't obtain data from all the sources they could
13 get data from. I have no reason to believe that for
14 some reason, one of these credit reporting agencies
15 did not want to sell them data. That's the business
16 they're in.

17 Q. But you don't know one way or another
18 whether Lexus actually purchases data from any credit
19 reporting agencies; correct?

20 A. Well, they advertise they obtain date from
21 credit reporting agencies. I guess if they're
22 misleading the public in their products and services,
23 but that's one of the main sources of information.

24 Q. So your testimony is that Lexus advertises
25 in connection with its adverse look-up product, that

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1 it obtains data from credit reporting agencies?

2 A. Yes.

3 Q. Where have you seen that advertisement?

4 A. In many places. I have just been -- I have
5 looked at their website dozens of times or -- and I
6 get it that that's kind of marketing material, but I
7 don't have a reason to believe that they would be
8 misleading about where their data sources are.

9 They have case studies. They have white
10 papers on their website, so, in many, many places. I
11 just didn't feel it. I mean, I could have pulled up
12 all that data, but it's publically available to
13 anybody that wants to look it up.

14 Q. Sitting here today, do you know whether
15 Lexus purchases data from Experian, yes or no?

16 A. Not for sure, but I would be very surprised
17 if they didn't.

18 Q. Sitting here today, do you know whether
19 Lexus purchases data from TransUnion, yes or no?

20 A. Same answer. I would be very surprised if
21 they didn't.

22 Q. So that's a no; correct?

23 A. Yes. And absolute knowledge? No.

24 Q. And I think you mentioned that Lexus might
25 purchase data from insurance companies; is that

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1 witness's prior testimony.

2 THE WITNESS: Yes. I wouldn't have used the
3 terminology in such a pejorative way as you did by
4 repeating back my answer. However, again, this is a
5 commonly and very popularly used commercial product
6 that's considered reliable by all the industries that
7 use it. And if it were not, I don't see how they
8 would be in business.

9 BY MR. PRINS:

10 Q. Just to clarify the record, are there any
11 other bases for your opinion that Lexus Nexus is
12 reliable that you would like to offer right now?

13 A. No.

14 Q. Can you tell me the name of any single
15 insurance company that Lexus Nexus buys data from?

16 A. They -- they market and advertise that they
17 get data from the insurance industry. It may -- and
18 there's many reasons for that. I don't know if they
19 have confidentiality agreements or they don't want to
20 list every -- the thousands of companies that they
21 collect data from. But, no, I don't have absolute
22 epistemological knowledge of an individual company
23 that they collect data from.

24 Q. So you do not know a single insurance
25 company by name that Lexus Nexus purchases data from;

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1 correct?

2 A. By name? No.

3 Q. You mentioned local governments. Do you
4 know a single local government by name that Lexus
5 Nexus purchases data from?

6 A. No. They advertise industries. So they
7 advertise state and local municipal records, arrest
8 records, DMV records, which is likely across all 50
9 states. But, again, I doubt that they would attest
10 to that if it were not true. I have no reason to
11 believe that their assertions are not true.

12 Q. Is it your testimony, based on what you just
13 said, that Lexus -- strike that.

14 Is it your testimony that the Lexus Nexus
15 phone product at issue here, as used by Mr. Weir,
16 relies on arrest records.

17 A. It doesn't rely on. I understand that the
18 mass data that Lexus Nexus connects -- collects goes
19 into its product and you simply request information
20 and provide you a result. There's no way to
21 determine the source, necessarily, of that result
22 based on the product you purchase from Lexus Nexus.
23 So you get a result of address and names, but it
24 doesn't say we got this name here, we got this name
25 there, we got this name there, we got this address

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1 there. That's not a service they offer.

2 Q. Can you tell me a single county or city that
3 Lexus uses arrest records from in connection with its
4 phone reverse look-up product?

5 A. No. And actually, it's a misnomer, I think,
6 to call it a phone reverse look-up product. If you
7 -- many people commonly do get on the web and type in
8 reverse look up and there's hundreds, if not
9 thousands of very unreliable bad data services called
10 reverse look-up phone services. That's surely not
11 what this is.

12 It may be a similar product name. However,
13 the idea is that this is mass data collected from
14 reliable sources over many years and over a lot of
15 time. And my experience has been it's very reliable.

16 And again, in the industry, in the
17 telecommunications industry -- and I use these in
18 other products outside of the legal realm, where we
19 needed to look up or look at reverse phone
20 directories that were available commercially.

21 They're generally highly unreliable because
22 they're not based on collecting mass data from
23 hundreds of thousands of sources. It's based on old
24 data that can be gleaned from old Yellow Pages or old
25 White Pages in certain cities and municipalities.

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1 So I look at this as not as just a simple
2 reverse phone lookup. This is an actual programmatic
3 operation, where Lexus Nexus, as a data processing
4 company, provides very valuable data. It's very
5 reliable from data sources, unlike the commonly known
6 average reverse lookup that you could type into a
7 Google search and obtain potentially information for
8 1995, and a number or something like that. Those are
9 all very unreliable.

10 Q. So it's a fair point, Mr. Snyder, and I just
11 want to make sure we have a common terminology,
12 because I'm not trying to trip you up by sneaking in
13 a reverse lookup or anything like that. So going
14 forward, I'm going to refer to the Lexus Nexus
15 product used by Mr. Weir, and we would have a common
16 understanding about what that project -- what I'm
17 referring to; correct?

18 A. Yes, thank you.

19 Q. And your answers before about the Lexus
20 Nexus phone product, as I was calling it, you were
21 referring to the Lexus Nexus product used by
22 Mr. Weir; correct?

23 A. Yes.

24 Q. So circling back to the arrest records, can
25 you tell me, sitting here today, a single

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1 municipality or other government entity that the
2 Lexus Nexus product used by Mr. Weir pulls from or
3 has access to.

4 A. Sitting here today, no.

5 Q. Other than credit reporting agencies,
6 insurance companies, local governments, is there any
7 other group or industry that, sitting here today, you
8 know for a fact that the Lexus Nexus -- the Lexus
9 Nexus product used by Mr. Weir relied upon?

10 A. No. Again, I'm not an expert in the Lexus
11 Nexus data collection side of their business.
12 They're B to B business that they don't sell
13 commercially, but where they obtain the data from.
14 My opinions are purely based on the usage of their
15 services and the data they can provide commercially
16 for the information that someone like Mr. Weir is
17 trying to obtain.

18 Q. So your answer is that you cannot provide
19 another industry or general group of entities that --

20 A. That's right. But, you know, on my next
21 break, I can certainly do the research and give you
22 names of dozens.

23 Q. But you didn't do that research in
24 connection with your report, correct, because I don't
25 see any Lexus website listed on your document.

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1 there, for some reason, is a lack of confidence in
2 using one of these date processors, you can use
3 another or use several and cross-reference the data
4 you get from that to get a reliable result.

5 So my opinion really is that this can be
6 done and this is the overall methodology and here's
7 how it works. The fact of whether one data processor
8 we use, or more, has to do with the results we get.
9 And if the results look spurious, for some reason,
10 over a large mass of data, you might run it again
11 through another data processer.

12 Q. But you've already testified earlier that
13 you have no reason to question results already
14 obtained in this case; correct?

15 A. That's right. That's right. Because I saw
16 Colin Weir's report and he indicated there wasn't
17 much of a problem and -- or a problem at all. And
18 I'm just -- I'm opining again on the methodology
19 that, in my experience, is reliable.

20 Q. And the methodology as used by Colin Weir
21 that you are opining on, is that Lexus is reliable
22 for this --

23 A. Right. And that's a subset of the overall
24 opinion I'm providing in this case.

25 Q. Uh-huh.

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1 majority of the data was not reliable, I would
2 certainly -- I believe I certainly would know about
3 it, especially in cases like the one we're here
4 talking about today.

5 Q. But you've done no analysis yourself to
6 determine the error rate of the Lexus data; correct?

7 A. No. And it's just like, you know, if you
8 buy a car, maybe J.D. Power tells you, you know, how
9 many complaints there have been in the first month of
10 each model of car. You know, people believe that.
11 They trust it. I believe that J.D. Power is not
12 lying. But I don't believe I have to perform an
13 independent analysis of that, unless it's required,
14 and if plaintiff's counsel asks to do the research.
15 Certainly, I could probably could do it or someone
16 else could do the research and determine the range of
17 numbers of reliability of that data.

18 Q. But you haven't done that analysis today?

19 A. I haven't done that, no.

20 Q. I think you mentioned J.D. Power &
21 Associates, and I believe you were trying to draw an
22 analogy to a third-party authoritative source from
23 which you could rely on, their opinion of
24 reliability. Was that the analogy --

25 A. Yes.

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1 and number crunching and can testify to that
2 reliability as well.

3 Q. What is your understanding of the term
4 "customary user" as used in your report?

5 A. The -- I'm not trying to -- I know there's
6 an issue that's been a going around TCPA industry for
7 years of what the called party is and what that
8 means. We're talking about the person generally
9 associated with the telephone number. When you call
10 that number, that's the person you're intending to
11 call. So it's the person that uses that number. The
12 subscription may not be in their name, but it's
13 basically the person that uses that number, just as
14 we all here today can provide our phone numbers as
15 our phone numbers. So we're associated with that
16 number.

17 Q. So would it be fair to say -- and I want you
18 to tell me if it's not -- that when you use the
19 phrase "customary user" in your report, you're
20 referring to the primary user of a phone number?

21 A. Yes, and I'll be candid. I've been in lots
22 of depositions and lots of rebuttal reports over this
23 issue, and, you know, the opposing counsel or the
24 opposing side makes an argument that, well, how do
25 you know if you let somebody borrow your phone to

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1 you, that's how they would do it. I'm not talking
2 about any business relationships or legal
3 relationships or anything like that. It's the person
4 that publicly and privately associates themselves
5 with that phone number.

6 Q. And based upon your years of experience in
7 TCPA cases and in the telecom industry, are there
8 situations in where there are multiple customary
9 users of a phone number, as you are using that term
10 in your report?

11 A. Not that are not exceptions. There are
12 great exceptions. I just have never seen that. I
13 can think of hypotheticals where a parent gives two
14 12 years olds one phone to share or something like
15 that. But then there's always confusion. And that's
16 just a hypothetical.

17 In my experience, telephone numbers are
18 widely used to associate with individuals. In fact,
19 it's used in authentication all the time, you know,
20 when you try and log in to your website at your bank
21 and they want to send you a text message, and you put
22 the code in, right? They are sending that number to
23 the user that put his number down when they got the
24 account. So that's the user. Right?

25 Those services wouldn't work if there were

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Conducted on December 18, 2018

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1 multiple -- it was a common thing, that multiple
2 people gave out the same phone number for themselves
3 all the time. In my experience, that's a very, very
4 tiny -- I'm sure it occurs, but a very tiny
5 percentage of the time.

6 Q. Can you put an estimate on the percentage of
7 time that occurs?

8 A. Very small. I would be speculating. All I
9 could say is very small. And I think that most
10 people in this industry will give you a similar
11 answer. These are not statistics that are kept.

12 But, again, if it was a common occurrence,
13 that multiple people were giving out the same phone
14 number and registering with websites and doing your
15 online banking and all the other things we use our
16 phone numbers for, we're giving out the same number,
17 it would be extremely problematic in the industry, no
18 companies would use it for authentication.

19 Nobody, when they were trying to reach you,
20 would know whether they were actually calling you or
21 not. Whose voicemail do you have associated with it.
22 It's just a myriad of problems that people don't seem
23 to have today, and the reason they don't have them is
24 because that situation doesn't occur.

25 Q. Would you say the situation of multiple

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1 customary users being associated with a phone occurs
2 in less than 1 percent of instances?

3 A. I'd be guessing. But I'd be surprised if it
4 was more than that. But it's just a guess. I don't
5 have any authoritative source for that except
6 personal experience.

7 Q. And in the situation of, let's say, a home
8 phone in a household, is it your opinion that there
9 would still be only a single customary user
10 associated with that home phone, or would there be
11 multiple customary users associated with that home
12 phone?

13 A. There might be multiple. But the idea is if
14 somebody that uses that phone number put their own
15 name and that phone number down on some -- somewhere,
16 that was information collected by the data processors
17 like Lexus Nexus, they have a reasonable means of
18 determining or providing to others that this
19 association exists between this phone number and this
20 person.

21 So the idea is that, oh, if I get a new
22 cable service or a new electronic service or I moved,
23 and I put my own phone number down, I put my cell
24 phone number down, I put my name down, those
25 utilities are also industries that provide data.

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1 When you request that data back, you're
2 still reasonably assured that that person's
3 associated with that phone number. Again, landline
4 numbers aren't used for authentication, you know, for
5 electronic communications, that kind of thing.

6 And landline --

7 MR. ARISOHN: Objection.

8 THE WITNESS: Yeah.

9 MR. ARISOHN: Sorry. Go ahead.

10 THE WITNESS: And landline numbers are
11 becoming -- used less and less today, although
12 usually in cases like this, they are 50 percent or
13 more of the calls made when you analyze the numbers.
14 I'm not sure if that was done in this case.

15 MR. ARISOHN: Can we take a quick break when
16 it's convenient?

17 THE WITNESS: Yes.

18 MR. PRINS: How much longer do we have on
19 the video? We're going to run out of video in about
20 ten minutes, Josh. Does that work for you?

21 MR. ARISOHN: Okay. Maybe five minutes?

22 MR. PRINS: Sure. Five minutes is fine.

23 THE WITNESS: But my point is that -- the
24 idea is that a name that's associated with a phone
25 number doesn't -- is based on what people represent

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1 you have with customers that sign up on the web, for
2 instance, for a service and they accidentally
3 transpose a digit or they're typing too fast. And
4 now there's a wrong number -- I'm sorry -- associated
5 with that name. And that's why systems like Early
6 Warning exist, so you can see if that phone is
7 disconnected or associated with a certain date or why
8 these Lexus Nexus services exist, so you can
9 cross-reference that data. But it does happen, but
10 that's -- again, that's a small percentage.

11 Q. And if a company was trying to avoid calling
12 reassigned numbers, for example, would relying on a
13 source of data that was tracking disconnects be sort
14 of a reasonable method to employ?

15 A. Yes.

16 Q. Do you know any other services other than --
17 I'm sorry, I don't remember the one you worked with,
18 something.com.

19 A. Early Warning.

20 Q. Other than earlywarning.com, do you know of
21 any other providers of information about disconnects?

22 A. Yeah, there's one other. I don't recall the
23 name off the top of my head. I just know Early
24 Warning, because I've worked with them personally
25 over the last few years.